



Sen. John G. Mulroe

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LRB097 04751 RLC 59575 a

1 AMENDMENT TO SENATE BILL 1047

2 AMENDMENT NO. _____. Amend Senate Bill 1047 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Clerks of Courts Act is amended by changing
5 Section 27.3a as follows:

6 (705 ILCS 105/27.3a)

7 (Text of Section before amendment by P.A. 97-46)

8 Sec. 27.3a. Fees for automated record keeping, probation
9 and court services operations, and State Police operations.

10 1. The expense of establishing and maintaining automated
11 record keeping systems in the offices of the clerks of the
12 circuit court shall be borne by the county. To defray such
13 expense in any county having established such an automated
14 system or which elects to establish such a system, the county
15 board may require the clerk of the circuit court in their
16 county to charge and collect a court automation fee of not less

1 than \$1 nor more than \$15 to be charged and collected by the
2 clerk of the court. Such fee shall be paid at the time of
3 filing the first pleading, paper or other appearance filed by
4 each party in all civil cases or by the defendant in any
5 felony, traffic, misdemeanor, municipal ordinance, or
6 conservation case upon a judgment of guilty or grant of
7 supervision, provided that the record keeping system which
8 processes the case category for which the fee is charged is
9 automated or has been approved for automation by the county
10 board, and provided further that no additional fee shall be
11 required if more than one party is presented in a single
12 pleading, paper or other appearance. Such fee shall be
13 collected in the manner in which all other fees or costs are
14 collected.

15 1.1. Starting on the effective date of this amendatory Act
16 of the 97th General Assembly and pursuant to an administrative
17 order from the chief judge of the circuit or the presiding
18 judge of the county authorizing such collection, a clerk of the
19 circuit court in any county that imposes a fee pursuant to
20 subsection 1 of this Section shall also charge and collect an
21 additional \$10 operations fee for probation and court services
22 department operations.

23 This additional fee shall be paid by the defendant in any
24 felony, traffic, misdemeanor, local ordinance, or conservation
25 case upon a judgment of guilty or grant of supervision, except
26 such \$10 operations fee shall not be charged and collected in

1 cases governed by Supreme Court Rule 529 in which the bail
2 amount is \$120 or less.

3 1.2. With respect to the fee imposed and collected under
4 subsection 1.1 of this Section, each clerk shall transfer all
5 fees monthly to the county treasurer for deposit into the
6 probation and court services fund created under Section 15.1 of
7 the Probation and Probation Officers Act, and such monies shall
8 be disbursed from the fund only at the direction of the chief
9 judge of the circuit or another judge designated by the Chief
10 Circuit Judge in accordance with the policies and guidelines
11 approved by the Supreme Court.

12 1.5. Starting on the effective date of this amendatory Act
13 of the 96th General Assembly, a clerk of the circuit court in
14 any county that imposes a fee pursuant to subsection 1 of this
15 Section, shall charge and collect an additional fee in an
16 amount equal to the amount of the fee imposed pursuant to
17 subsection 1 of this Section. This additional fee shall be paid
18 by the defendant in any felony, traffic, misdemeanor, local
19 ordinance, or conservation case upon a judgment of guilty or
20 grant of supervision.

21 2. With respect to the fee imposed under subsection 1 of
22 this Section, each clerk shall commence such charges and
23 collections upon receipt of written notice from the chairman of
24 the county board together with a certified copy of the board's
25 resolution, which the clerk shall file of record in his office.

26 3. With respect to the fee imposed under subsection 1 of

1 this Section, such fees shall be in addition to all other fees
2 and charges of such clerks, and assessable as costs, and may be
3 waived only if the judge specifically provides for the waiver
4 of the court automation fee. The fees shall be remitted monthly
5 by such clerk to the county treasurer, to be retained by him in
6 a special fund designated as the court automation fund. The
7 fund shall be audited by the county auditor, and the board
8 shall make expenditure from the fund in payment of any cost
9 related to the automation of court records, including hardware,
10 software, research and development costs and personnel related
11 thereto, provided that the expenditure is approved by the clerk
12 of the court and by the chief judge of the circuit court or his
13 designate.

14 4. With respect to the fee imposed under subsection 1 of
15 this Section, such fees shall not be charged in any matter
16 coming to any such clerk on change of venue, nor in any
17 proceeding to review the decision of any administrative
18 officer, agency or body.

19 5. With respect to the additional fee imposed under
20 subsection 1.5 of this Section, the fee shall be remitted by
21 the circuit clerk to the State Treasurer within one month after
22 receipt for deposit into the State Police Operations Assistance
23 Fund.

24 6. With respect to the additional fees imposed under
25 subsection 1.5 of this Section, the Director of State Police
26 may direct the use of these fees for homeland security purposes

1 by transferring these fees on a quarterly basis from the State
2 Police Operations Assistance Fund into the Illinois Law
3 Enforcement Alarm Systems (ILEAS) Fund for homeland security
4 initiatives programs. The transferred fees shall be allocated,
5 subject to the approval of the ILEAS Executive Board, as
6 follows: (i) 66.6% shall be used for homeland security
7 initiatives and (ii) 33.3% shall be used for airborne
8 operations. The ILEAS Executive Board shall annually supply the
9 Director of State Police with a report of the use of these
10 fees.

11 (Source: P.A. 96-1029, eff. 7-13-10; 97-453, eff. 8-19-11.)

12 (Text of Section after amendment by P.A. 97-46)

13 Sec. 27.3a. Fees for automated record keeping, probation
14 and court services operations, and State and Conservation
15 Police operations.

16 1. The expense of establishing and maintaining automated
17 record keeping systems in the offices of the clerks of the
18 circuit court shall be borne by the county. To defray such
19 expense in any county having established such an automated
20 system or which elects to establish such a system, the county
21 board may require the clerk of the circuit court in their
22 county to charge and collect a court automation fee of not less
23 than \$1 nor more than \$15 to be charged and collected by the
24 clerk of the court. Such fee shall be paid at the time of
25 filing the first pleading, paper or other appearance filed by

1 each party in all civil cases or by the defendant in any
2 felony, traffic, misdemeanor, municipal ordinance, or
3 conservation case upon a judgment of guilty or grant of
4 supervision, provided that the record keeping system which
5 processes the case category for which the fee is charged is
6 automated or has been approved for automation by the county
7 board, and provided further that no additional fee shall be
8 required if more than one party is presented in a single
9 pleading, paper or other appearance. Such fee shall be
10 collected in the manner in which all other fees or costs are
11 collected.

12 1.1. Starting on the effective date of this amendatory Act
13 of the 97th General Assembly and pursuant to an administrative
14 order from the chief judge of the circuit or the presiding
15 judge of the county authorizing such collection, a clerk of the
16 circuit court in any county that imposes a fee pursuant to
17 subsection 1 of this Section shall also charge and collect an
18 additional \$10 operations fee for probation and court services
19 department operations.

20 This additional fee shall be paid by the defendant in any
21 felony, traffic, misdemeanor, local ordinance, or conservation
22 case upon a judgment of guilty or grant of supervision, except
23 such \$10 operations fee shall not be charged and collected in
24 cases governed by Supreme Court Rule 529 in which the bail
25 amount is \$120 or less.

26 1.2. With respect to the fee imposed and collected under

1 subsection 1.1 of this Section, each clerk shall transfer all
2 fees monthly to the county treasurer for deposit into the
3 probation and court services fund created under Section 15.1 of
4 the Probation and Probation Officers Act, and such monies shall
5 be disbursed from the fund only at the direction of the chief
6 judge of the circuit or another judge designated by the Chief
7 Circuit Judge in accordance with the policies and guidelines
8 approved by the Supreme Court.

9 1.5. Starting on the effective date of this amendatory Act
10 of the 96th General Assembly, a clerk of the circuit court in
11 any county that imposes a fee pursuant to subsection 1 of this
12 Section, shall charge and collect an additional fee in an
13 amount equal to the amount of the fee imposed pursuant to
14 subsection 1 of this Section. This additional fee shall be paid
15 by the defendant in any felony, traffic, misdemeanor, or local
16 ordinance case upon a judgment of guilty or grant of
17 supervision. This fee shall not be paid by the defendant for
18 any conservation violation listed in subsection 1.6 of this
19 Section.

20 1.6. Starting on July 1, 2012 (the effective date of Public
21 Act 97-46) ~~this amendatory Act of the 97th General Assembly~~, a
22 clerk of the circuit court in any county that imposes a fee
23 pursuant to subsection 1 of this Section shall charge and
24 collect an additional fee in an amount equal to the amount of
25 the fee imposed pursuant to subsection 1 of this Section. This
26 additional fee shall be paid by the defendant upon a judgment

1 of guilty or grant of supervision for a conservation violation
2 under the State Parks Act, the Recreational Trails of Illinois
3 Act, the Illinois Explosives Act, the Timber Buyers Licensing
4 Act, the Forest Products Transportation Act, the Firearm Owners
5 Identification Card Act, the Environmental Protection Act, the
6 Fish and Aquatic Life Code, the Wildlife Code, the Cave
7 Protection Act, the Illinois Exotic Weed Act, the Illinois
8 Forestry Development Act, the Ginseng Harvesting Act, the
9 Illinois Lake Management Program Act, the Illinois Natural
10 Areas Preservation Act, the Illinois Open Land Trust Act, the
11 Open Space Lands Acquisition and Development Act, the Illinois
12 Prescribed Burning Act, the State Forest Act, the Water Use Act
13 of 1983, the Illinois Youth and Young Adult Employment Act of
14 1986, the Snowmobile Registration and Safety Act, the Boat
15 Registration and Safety Act, the Illinois Dangerous Animals
16 Act, the Hunter and Fishermen Interference Prohibition Act, the
17 Wrongful Tree Cutting Act, or Section 11-1426.1, 11-1426.2,
18 11-1427, 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or
19 11-1427.5 of the Illinois Vehicle Code.

20 2. With respect to the fee imposed under subsection 1 of
21 this Section, each clerk shall commence such charges and
22 collections upon receipt of written notice from the chairman of
23 the county board together with a certified copy of the board's
24 resolution, which the clerk shall file of record in his office.

25 3. With respect to the fee imposed under subsection 1 of
26 this Section, such fees shall be in addition to all other fees

1 and charges of such clerks, and assessable as costs, and may be
2 waived only if the judge specifically provides for the waiver
3 of the court automation fee. The fees shall be remitted monthly
4 by such clerk to the county treasurer, to be retained by him in
5 a special fund designated as the court automation fund. The
6 fund shall be audited by the county auditor, and the board
7 shall make expenditure from the fund in payment of any cost
8 related to the automation of court records, including hardware,
9 software, research and development costs and personnel related
10 thereto, provided that the expenditure is approved by the clerk
11 of the court and by the chief judge of the circuit court or his
12 designate.

13 4. With respect to the fee imposed under subsection 1 of
14 this Section, such fees shall not be charged in any matter
15 coming to any such clerk on change of venue, nor in any
16 proceeding to review the decision of any administrative
17 officer, agency or body.

18 5. With respect to the additional fee imposed under
19 subsection 1.5 of this Section, the fee shall be remitted by
20 the circuit clerk to the State Treasurer within one month after
21 receipt for deposit into the State Police Operations Assistance
22 Fund.

23 6. With respect to the additional fees imposed under
24 subsection 1.5 of this Section, the Director of State Police
25 may direct the use of these fees for homeland security purposes
26 by transferring these fees on a quarterly basis from the State

1 Police Operations Assistance Fund into the Illinois Law
2 Enforcement Alarm Systems (ILEAS) Fund for homeland security
3 initiatives programs. The transferred fees shall be allocated,
4 subject to the approval of the ILEAS Executive Board, as
5 follows: (i) 66.6% shall be used for homeland security
6 initiatives and (ii) 33.3% shall be used for airborne
7 operations. The ILEAS Executive Board shall annually supply the
8 Director of State Police with a report of the use of these
9 fees.

10 7. ~~6.~~ With respect to the additional fee imposed under
11 subsection 1.6 of this Section, the fee shall be remitted by
12 the circuit clerk to the State Treasurer within one month after
13 receipt for deposit into the Conservation Police Operations
14 Assistance Fund.

15 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
16 97-453, eff. 8-19-11; revised 10-4-11.)

17 Section 10. The Probation and Probation Officers Act is
18 amended by changing Section 15.1 as follows:

19 (730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

20 Sec. 15.1. Probation and Court Services Fund.

21 (a) The county treasurer in each county shall establish a
22 probation and court services fund consisting of fees collected
23 pursuant to subsection (i) of Section 5-6-3 and subsection (i)
24 of Section 5-6-3.1 of the Unified Code of Corrections,

1 subsection (10) of Section 5-615 and subsection (5) of Section
2 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of
3 subsection (b) of Section 110-10 of the Code of Criminal
4 Procedure of 1963. The county treasurer shall disburse monies
5 from the fund only at the direction of the chief judge of the
6 circuit court in such circuit where the county is located. The
7 county treasurer of each county shall, on or before January 10
8 of each year, submit an annual report to the Supreme Court.

9 (b) Monies in the probation and court services fund shall
10 be appropriated by the county board to be used within the
11 county or jurisdiction where collected in accordance with
12 policies and guidelines approved by the Supreme Court for the
13 costs of operating the probation and court services department
14 or departments; however, except as provided in subparagraphs
15 ~~subparagraph~~ (g) and (h), monies in the probation and court
16 services fund shall not be used for the payment of salaries of
17 probation and court services personnel.

18 (c) Monies expended from the probation and court services
19 fund shall be used to supplement, not supplant, county
20 appropriations for probation and court services.

21 (d) Interest earned on monies deposited in a probation and
22 court services fund may be used by the county for its ordinary
23 and contingent expenditures.

24 (e) The county board may appropriate moneys from the
25 probation and court services fund, upon the direction of the
26 chief judge, to support programs that are part of the continuum

1 of juvenile delinquency intervention programs which are or may
2 be developed within the county. The grants from the probation
3 and court services fund shall be for no more than one year and
4 may be used for any expenses attributable to the program
5 including administration and oversight of the program by the
6 probation department.

7 (f) The county board may appropriate moneys from the
8 probation and court services fund, upon the direction of the
9 chief judge, to support practices endorsed or required under
10 the Sex Offender Management Board Act, including but not
11 limited to sex offender evaluation, treatment, and monitoring
12 programs that are or may be developed within the county.

13 (g) For the State Fiscal Years 2005, 2006, and 2007 only,
14 the Administrative Office of the Illinois Courts may permit a
15 county or circuit to use its probation and court services fund
16 for the payment of salaries of probation officers and other
17 court services personnel whose salaries are reimbursed under
18 this Act if the State's FY2005, FY2006, or FY2007 appropriation
19 to the Supreme Court for reimbursement to counties for
20 probation salaries and services is less than the amount
21 appropriated to the Supreme Court for these purposes for State
22 Fiscal Year 2004. The Administrative Office of the Illinois
23 Courts shall take into account each county's or circuit's
24 probation fee collections and expenditures when apportioning
25 the total reimbursement for each county or circuit.

26 (h) The Administrative Office of the Illinois Courts may

1 permit a county or circuit to use its probation and court
2 services fund for the payment of salaries of probation officers
3 and other court services personnel whose salaries are
4 reimbursed under this Act in any State fiscal year that the
5 appropriation for reimbursement to counties for probation
6 salaries and services is less than the amount appropriated to
7 the Supreme Court for these purposes for State Fiscal Year
8 2002, except that the Administrative Office of the Illinois
9 Courts shall adjust this amount appropriated in 2002 by 3% per
10 year and may continue to permit use of the probation and court
11 services fund for salaries in any State fiscal year where the
12 State reimbursement to counties is regularly delayed more than
13 4 months. The Administrative Office of the Illinois Courts
14 shall take into account each county's or circuit's probation
15 fee collections and expenditures when appropriating the total
16 reimbursement for each county or circuit. Any amount
17 appropriated to the Supreme Court in any State fiscal year for
18 the purpose of reimbursing Cook County for the salaries and
19 operations of the Cook County Juvenile Temporary Detention
20 Center shall not be counted in the total appropriation to the
21 Supreme Court in that State fiscal year for reimbursement to
22 counties for probation salaries and services, for the purposes
23 of this paragraph (h).

24 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707,
25 eff. 1-11-08.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."